

REMARKS

This Amendment is in response to the Office Action of April 24, 2003. In that Office Action, (1) claims 1-11 were rejected under 35 U.S.C. § 112, (2) claims 1-4, 6-15 and 17-22 were rejected under 35 USC § 102 or 103 and (3) claims 5-16 were rejected, but indicated as being allowable if rewritten in independent form, including all the limitations of the base claim and any intervening claims.

In this response to the Office Action, claims 5 and 16 have been rewritten as new independent claims 23 and 28 (discussed in more detail below). Independent claims 1 and 12 and their respective dependent claims have been cancelled without prejudice to continuing prosecutions of such claims in a continuing application.

NEW INDEPENDENT CLAIMS 23 AND 28

Dependent claims 5 and 16 have been rewritten, respectively, as independent claims 23 and 28. Claims 24-27 and 29-32 are dependent, respectively, from claims 23 and 28.

Each of the new independent claims 23 and 28 specifies that at least one of the inner and outer surfaces carries a "hemodialysis" membrane in place of the prior language requiring a membrane that consisted essentially of at least one of a hemodialysis and a hemofiltration membrane.

Claim 23 also requires "an inlet and an outlet communicating with the gap" to address the Examiner's rejection under 35 U.S.C. § 112.

In addition, claims 23 and 28 omit certain words of claims

account the size of the gap . . . for transport across the

submitted, unnecessary for patentability over the cited prior art.

It is believed that the subject matter of the rewritten dependent claims is no longer objectionable, and that the claims are allowable.

CONCLUSION

It is respectfully submitted that pending claims are not indefinite, and that the subject matter of those claims is not described or obvious in view of the cited references. An additional information disclosure statement is included for the Examiner's consideration. Reconsideration and allowance of the pending claims are respectfully requested.

Date: September 24, 2003

By: 

Gary W. McFarron, Esq.
Registration No. 27,357
Cook, Alex, McFarron, Manzo,
Cummings & Mehler, Ltd.
200 West Adams St., Suite 2850
Chicago, IL 60606
Telephone: (312) 236-8500

Attorneys for Applicants